

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH CHARLES LASSITER and
ALPHA DORIS D. LASSITER,

Plaintiffs,

v.

CITY OF BREMERTON, MATTHEW
THURING, JOHN VAN SANTFORD,
ROBERT FORBES, BREMERTON POLICE
CHIEF, et al.,

Defendants.

Case No. C05-5320 RBL

ORDER OF CLARIFICATION ON
DEFENDANT OFFICERS' MOTION
FOR SUMMARY JUDGMENT;
DENYING DEFENDANTS' MOTION
TO COMPEL; AND GRANTING
PLAINTIFFS' REQUEST FOR
ADDITIONAL TIME UNDER RULE
56(f)

This Matter is before the court on its own Motion. The Court previously GRANTED Defendant Thuring's and Van Sanford's Motions for Summary Judgment [*See* Motion at Dkt. #149; Order at Dkt. #189]. The Motion sought a ruling as a matter of law that the officers' entry and arrest of Mr. Lassiter was based on probable cause and that they were entitled to qualified immunity for their actions. The Motion did not overtly seek dismissal of Plaintiffs' excessive force claims.

The court's order held that the officers' entry into the Lassiter home was not actionable. It did not specifically address whether the arrest was made on probable cause, or whether the officers enjoyed qualified immunity for their conduct. It also purported to "DISMISS all claims" against the officers.

1 This Order clarifies that (1) the Plaintiffs' claims arising out of the officers' entry into the Lassiter home are
2 dismissed with prejudice; (2) the Plaintiffs' claims arising out of the arrest of Mr. Lassiter, and the officers'
3 motion for summary judgment seeking dismissal of those claims, will be addressed in an Order
4 supplementing the court's prior Order [Dkt. # 189]; and (3) Plaintiffs' remaining claims against the
5 officers, including the excessive force and /or assault and battery claims, are not addressed in the
6 Defendants' Motion and are not addressed in the court's order. Those claims will await further
7 adjudication, either through motion practice or at trial.
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9 Additionally, the Officers' Motion to Compel [Dkt. # 163] was denied as moot, based on the
10 dismissal of all claims against the officers. Though the officers remain in the case, it appears that the
11 discovery sought has been delivered, so the motion is in fact moot. Defendants' request for fees is
12 DENIED.

13 Finally, the Plaintiffs' Motion under Rule 56(f) for additional time to conduct discovery in
14 connection with Defendant Forbes' Motion for Summary Judgment [Dkt. #144] is GRANTED and that
15 Motion shall be re-noted for November 3, 2006.

16 DATED this 20th day of September, 2006.

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18 RONALD B. LEIGHTON
19 UNITED STATES DISTRICT JUDGE
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